

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 476

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY

Kent L. Cravens

AN ACT

RELATING TO IGNITION INTERLOCK DEVICES; REVISING PROCEDURES  
REGARDING COLLECTION OF FEES FOR THE INTERLOCK DEVICE FUND;  
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-8-102.3 NMSA 1978 (being Laws 2002,  
Chapter 82, Section 2, as amended) is amended to read:

"66-8-102.3. IMPOSING A FEE--CREATING A FUND.--

A. A fee is imposed on ~~[all persons who provide  
ignition interlock devices to]~~ a person convicted of driving  
while under the influence of intoxicating liquor or drugs  
pursuant to Section 66-8-102 NMSA 1978 or a person whose  
driver's license is revoked pursuant to the provisions of the  
Implied Consent Act, in the amount of ~~[ten percent of the  
amount charged to lease, install, service and remove each~~

.150474.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 ~~ignition interlock device for a person convicted pursuant to~~  
2 ~~Section 66-8-102 NMSA 1978 or whose driver's license is revoked~~  
3 ~~pursuant to the provisions of the Implied Consent Act and shall~~  
4 ~~be paid monthly to the local government division of the~~  
5 ~~department of finance and administration]~~ ten dollars (\$10.00),  
6 to be collected by the vendor who provides an ignition  
7 interlock device to the person. The vendor shall remit all  
8 fees collected on a monthly basis to the local government  
9 division of the department of finance and administration.

10 B. The "interlock device fund" is created in the  
11 state treasury. The fee imposed pursuant to Subsection A of  
12 this section shall be distributed to the fund by the local  
13 government division of the department of finance and  
14 administration.

15 C. All money in the interlock device fund is  
16 appropriated to the local government division of the department  
17 of finance and administration to cover the costs of installing,  
18 servicing, leasing for the initial four months and removing  
19 ignition interlock devices for indigent people who are  
20 required, pursuant to convictions under Section 66-8-102 NMSA  
21 1978 or driver's license revocations pursuant to the provisions  
22 of the Implied Consent Act, to install those devices in their  
23 vehicles. Indigency shall be determined by the sentencing  
24 court.

25 D. Any balance remaining in the interlock device

.150474.1

underscored material = new  
[bracketed material] = delete

1 fund shall not revert to the general fund at the end of any  
2 fiscal year.

3 E. The interlock device fund shall be administered  
4 by the local government division of the department of finance  
5 and administration. No more than five percent of the money in  
6 the interlock device fund in any fiscal year shall be expended  
7 by the local government division of the department of finance  
8 and administration for the purpose of administering that fund."

9 Section 2. EMERGENCY.--It is necessary for the public  
10 peace, health and safety that this act take effect immediately.